

REMARKS

In the Office Action, a restriction requirement under 35 U.S.C. 121 was made, which required an election between the method claims of Group I and the apparatus claims of Group II. In response, applicants elect the Group I method claims for examination at this time. Accordingly, the Group II claims have been cancelled without prejudice to applicants' rights to file a divisional application for the subject matter of those claims.

Also, new method claims 24-33 have been added. These claims are directed to a method of use of certain preferred structures for carrying out the annealing and for applying the thermal budgets. These claims are supported by the specification and prior claims 14-23 so that there is no issue of new matter. As these new claims are method claims, they should be examined with the other Group I claims at this time.

It is believed that there is no additional burden to examine claims 24-33 since a complete review of method claims 1-13 would of necessity require a review of the devices in which those methods are conducted. Thus, the new claims do not define a separate and distinct invention from the of the claims 1-13 so that the joining of the new claims with claims 1-13 for examination at this time is appropriate. In this regard, the methods of claims 24-33 require the conduct of the method of claim 1 so that they is a common feature being claimed throughout all claims.

A restriction of species was also required. In response, applicants elect Orientation 1A-1 (substantially vertical orientation for the application of the basic thermal budget), Sequence 1B-1 (application of basic thermal budget prior to the additional thermal budget) and, as to claims 24-33, Configuration 11A-1 (positioner configured for holding the wafer substantially vertically).

Applicants understand that the restriction of species is for the purpose of facilitating the Examiner's search claims and that when a generic claim 1 is allowed, any dependent claims that are consistent with the generic claim 1 will also be allowed. Based on the foregoing elections, it is submitted that the claims 1-4, 10-13, 24-30, and 31 are generic to each species while claims 5, 7 and 31 are specifically directed to the elected species.

Respectfully submitted,

Date

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